IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MONSANTO COMPANY and)	
MONSANTO TECHNOLOGY LLC,)	
Plaintiffs,)	
VS.)	
, J.)	
E.I. DUPONT DE NEMOURS AND)	Case No. 4:09-cv-00686-ERW
COMPANY and)	
PIONEER HI-BRED INTERNATIONAL,)	
INC.,)	
)	
Defendants.)	

MONSANTO'S MOTION TO UNSEAL NOVEMBER 2, 2010 MEMORANDUM AND ORDER ON CLAIM CONSTRUCTION

Plaintiffs Monsanto Company and Monsanto Technology LLC (collectively "Monsanto") respectfully move the Court for an order unsealing the Court's November 2, 2010 Memorandum and Order on claim construction (the "*Markman* order") (Dkt. 411).

Monsanto respectfully suggests that the *Markman* order does not contain any "Confidential" or "Restricted Confidential" information, as those terms are defined in the Protective Order entered by the Court on June 28, 2010 (Dkt. 238). The *Markman* order is a judicial interpretation of a published patent, which is owned by Monsanto. The Court's interpretation of the scope of Monsanto's patent should be freely accessible to Monsanto's executives and employees, and indeed, to the public at large.

On November 9, 2010, Monsanto's attorney James Hilmert asked Defendants' attorney Thomas Fleming whether Defendants would oppose or consent to Monsanto's motion to unseal the *Markman* order. Monsanto's attorney inquired again during a telephone conversation on November 12, 2010, and again in an email exchange on November 15, 2010. Defendants have

failed to provide a substantive response to any of Monsanto's inquiries. Nor have they identified any information in the *Markman* order that they believe is Confidential.

WHEREFORE, plaintiffs Monsanto Company and Monsanto Technology LLC respectfully move the Court for an order unsealing the Court's November 2, 2010 Memorandum and Order on claim construction (Dkt. 411), so that it can be made available to the interested public.

Dated: November 16, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of November, 2010, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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